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2
3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 * * *

6 LANE CHARLIE TOM,

Case No. 3:22-cv-00061-MMD-CLB

7 Petitioner,

ORDER

8 v.

9 THE STATE OF NEVADA, *et al.*,

10 Respondents.

11 This closed habeas case comes before this Court on Petitioner Lane Charlie Tom's
12 motion for leave to proceed in forma pauperis ("IFP"). (ECF No. 12.)

13 Tom initiated this case by submitting a "petition for rehearing pursuant to F.R. Civ.
14 P. 60(b)" on February 2, 2022, but he did not pay the filing fee or file an application to
15 proceed IFP. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On February 18, 2022, the
16 Court ordered Tom to file an amended petition on this Court's form and to either pay the
17 filing fee or submit a complete IFP application with all required attachments within 45
18 days. (ECF No. 3.) Tom was warned that a failure to comply would "result in the dismissal
19 of this action without prejudice and without further advance notice." (*Id.*) This Court's
20 February 18, 2022, Order was returned as undeliverable with a notation that Tom had
21 been relocated to Warm Springs Correctional Center. (ECF No. 4.) On April 13, 2022, this
22 Court (1) directed the Clerk to send Tom a courtesy copy of the February 18, 2022, Order,
23 including its attachments, to Warm Springs Correctional Center; (2) extended Tom's 45-
24 day deadline to comply with the requirements of the February 18, 2022, Order to May 31,
25 2022; and (3) ordered Petitioner to update his address. (ECF No. 5.) Because Tom failed
26 to comply, this Court dismissed this action without prejudice on June 2, 2022. (ECF No.
27 7.) Judgment was entered. (ECF No. 9.)

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1 Nearly two years later, Tom has submitted a motion for leave to proceed IFP,
2 explaining that the delay was due to being “repeatedly transferred and . . . totally
3 disoriented.” (ECF Nos. 11, 12.) This Court declines to reopen this action given Tom’s
4 inaction for nearly two years and his failure to file a petition. If Tom desires to pursue
5 federal habeas relief, he must file a new case with a habeas petition—not a petition for
6 rehearing—and a new motion to proceed IFP.

7 It is therefore ordered that the motion for leave to proceed IFP (ECF No. 12) is
8 denied. To the extent required, a certificate of appealability is denied.

9 DATED This 14th Day of May 2024.

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12 MIRANDA M. DU
13 CHIEF UNITED STATES DISTRICT JUDGE
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